

bound by such opinion if in a case before the Court the question should be raised. In the language of section 824 of the Civil Code, "the Supreme Court shall have the power to declare null and void any law which may upon mature deliberation, appear contrary to the Constitution."

The law herein proposed would gravely affect the rights of property, and even the personal liberty of a great number of the residents of the Kingdom. It seems to us that it presents a strong illustration of the Supreme Court's lending itself by an opinion given to the Legislature on a proposed bill.

But as showing that we have not been inclined to avoid a consideration of the matter submitted, we beg leave, while the bill is in our hands, to mention some things we observe in it.

The title is "an Act to tax Chinese residents and Chinese arriving in this Kingdom (1) for the support and maintenance of indigent and infirm Chinese, and (2) for the return to their homes of such Chinese who may be permanently disabled from working, and of Chinese vagrants;" but for the second purpose of the Act, the return to their home of the disabled and the vagrants, we find no provision in the Act itself.

By article 77 of the Constitution, every law shall embrace but one object and that shall be expressed in its title. Here the title expresses an object not embraced in the Act, namely, the important power of deporting people from this Kingdom. Again, the title adds, to the class indigent and infirm, described in the first part of it, in the second part another class, viz: Chinese vagrants. These are nowhere mentioned in the Act.

Passing to the preamble, we venture to express our disbelief in the statement that a large class of Chinese "are becoming a charge upon the public," in the sense in which the phrase can be employed in a statute. We do not believe they can be shown to be a charge upon any public fund. They do not burden the hospitals, the leper settlement, nor any public institutions. In our prisons they are self-supporting.

Passing to the Act itself, we find that the receipts of assessment made by law, and compulsory, are to be paid to a certain Chinese society. The charter of that society, it is known to us, inhibits them from making or receiving involuntary assessments upon their countrymen. By this Act they are bound to receive a forced assessment, in violation of the terms of their charter, under penalty of forfeiture if they do not support their countrymen with it.

The purpose of the Act would seem to be a special poor rate imposed on one class of residents and passengers arriving in the Kingdom and to be expended by a designated society on a special description of residents.

We will go so far as to say that the gravest doubts arise as to such an Act being constitutional, and that this would not fail to strike every mind if this were an Act imposing such a tax on English, German, or American residents and passengers respectively, giving some relief society the power to dispose of the same, and apparently a power to deport and exile from the Kingdom such of their countrymen as they considered indigent, infirm or vagrant.

We herewith return the following bill and report of the committee.

We have the honor to subscribe ourselves your very obedient servants.

A. F. JUD, Jr.  
L. McCULLY,  
E. PRESTON.

After some little debate, during which members expressed their dissatisfaction at the seeming ambiguity of the answer, the communication was laid on the table. The Order of the Day now being moved and carried the Assembly resolved into Committee of the Whole, Hon. S. Clegg-horn in the chair, and proceeded to take up the consideration of items in the Appropriation Bill, in the Attorney General's Department.

The following items were passed as printed:

Clerk Sheriff of Hawaii..... \$1,800  
Clerk Sheriff of Honolulu..... 1,200  
Clerk Sheriff of Kaula..... 800  
Coroners' Inquests..... 2,000  
Incidentals, Criminal and Civil Expenses..... 10,000  
Messenger and Copyist..... 1,200

On motion the report of the committee on items of salaries of "Assistant storekeeper; Third Statistical Clerk, and Keeper of Steamer Warehouse" was taken up and after a short argument the two first mentioned were carried, and the last item struck out, as follows:

Salary of Assistant Storekeeper..... \$2,400  
Salary of Third Statistical Clerk..... 2,400

Representative Paelele now moved to insert an item:

"Subsidy for a steamer to run regularly between Honolulu and Pukou, Lahaina, and Kaula, also touching at Halawa, Pelekuun, and Kalaupapa, Molokai, \$5,200"

but after a short debate withdrew the motion for the purpose of having the item introduced under the head of "Department of the Interior."

The Minister of Finance (Kanoa) stated that his knowledge of the English language was very limited, and his colleagues were but little acquainted with Hawaiian, therefore it was difficult for them to understand what he said, or he what they said, he would move therefore that an item of "Pay of interpreter, \$2,400," be inserted in the bill. Motion lost.

The Minister of the Interior moved that items in his department be taken up, which motion being carried, he thereupon moved the following item which passed, viz:

Subsidy to steamer to run between Honolulu and Pukou, Lahaina, and Kaula, also touching at Halawa, Pelekuun, and Kalaupapa, Molokai, \$5,000

On motion the committee now rose and the Assembly reassembled. The report was made of the progress made and the same was adopted and leave given to the committee to sit again.

At 5 o'clock the Assembly adjourned until 10 a. m. next day.

SIXTY-FIFTH DAY.

Tuesday, July 20, 1886.

The Assembly convened for the transaction of business at 10:15 o'clock, and the reading and approval of the minutes of the previous meeting was the first business accomplished.

Under suspension of the rules Rep. Nahin presented a petition from three persons, now residents

of Honolulu, praying that the sum of \$600 be paid to them for two houses at Kalaupapa, Molokai, the use of which had been appropriated by the Board of Health. Referred to Sanitary Committee.

Representative Brown presented a report from the Special Committee to whom were referred the item of "Support of Prisoners, \$30,000," as follows:

"Your Special Committee to which was referred the item 'Support of Prisoners, \$30,000,' respectfully beg leave to report that they have had the same under consideration, and are of the opinion that the item should be divided, and the sums appropriated be placed under two heads, as one portion of the appropriation will be expended in paying the expenses of management, such as pay of physician, the deputy jailor, clerk, chaplain, turnkeys, and overseers of Oahu Prison, and also in paying the jailors and overseers of all other jails and prisons on the islands, and also in paying all other expenses of the different prisons on the islands, to include also the paying for photographing of prisoners. All the above enumerated items have heretofore been paid from out of the item, 'Support of Prisoners,' although strictly speaking they do not come under that head. The committee therefore recommend that the item be amended so as to read as follows:

Prison management, to include pay of physician, jailors and overseers, etc., etc..... \$35,000 00  
Support of prisoners..... 50,000 00

The leaving the latter item for the support solely of the prisoners confined in the different jails and prisons on the islands."

The report was signed by all of the members of the committee and was, on motion, adopted.

Representative Brown presented a minority report from the committee of thirteen to whom was referred the consideration of the appropriation of the pay of the Police of the Kingdom, as follows: "As one of the committee of thirteen, to whom was referred the item, 'Pay of Police of Oahu, Hawaii, Maui and Kaula,' I herewith beg leave to report that it is impossible for me to concur in or recommend the report presented by other members of the committee to this House on the 19th instant, be adopted."

"In the first place, the assignment of pay for the deputy sheriffs and police for the outer districts of Oahu, are made up without any regard to the area of the districts or the number of inhabitants. The pay of all deputy sheriffs in my opinion should be equal, and no discrimination in their pay should be made, in any district. I further think it impolitic for this House to fix the pay of police officers, that should be left to the marshal and sheriffs, who are better able to judge of the amount that should be paid and how much the services rendered are worth. The report of the committee presented on the 19th instant, adds a sum of \$40,800 to the amount asked for in the Appropriation Bill, and in doing so, I consider the Attorney-General from the information laid before him is a better judge as to the amount required for the police department of the different islands than this Assembly. The pay of the deputy marshal has been already passed by this House, and should be taken out of the appropriation for the police of Oahu."

As this House has been asked to economize, it seems proper here to remark that where the Ministry ask for a certain sum which according to their estimates is sufficient for the purpose for which it is asked, it is a bad policy to reduce the passage of items which increase the amount asked for in the sum of \$40,800. I am therefore of the opinion and recommend that the House pass the items as they stand in the Appropriation Bill, as submitted to this Assembly."

I endorse fully the above minority report and adopt it as my own.

Without passing upon the point as to the propriety of fixing the pay of individual policemen, in this Assembly, referred to above, I concur generally with the conclusions of the above report."

S. B. DOLE.

Representative Kaulukou read for the first time, a bill to provide for five judges for the Supreme Court. Order to print.

Representative Kaulukou under suspension of the rules, presented a resolution that, an item of \$1,000 be inserted in the Appropriation Bill to pay D. Kauna of Hilo for damages to his land by the opening of a new road, in the district of Hilo. To Committee on Public Lands.

The Minister of Foreign Affairs, in answer to a resolution previously introduced, presented the following statement: "I have the honor to present the following replies to the questions put to me in the resolution introduced by the honorable member for Waialua, Rep. Castle, and passed by the House on the 14th instant."

1. Nine hundred and sixteen (916) return passports have been issued to Chinese since September 1, 1885.

2. Thirteen hundred and eighty-seven (1,387) Chinese have left the islands since September 1, 1885. Of these, 1,000 (one thousand) Chinese have arrived in the Kingdom since September 1, 1885, of whom about six hundred and forty (640) entered without passports in accordance with the regulation at the time in force.

3. Two dollars (\$2) is charged to each person receiving a passport.

4. The fees, less the expenses of the passports are turned into the Treasury as Government realizations.

Representative Dole said that there seemed to be no check on the manner of giving out passports. He understood that the introduction of the bill was to prevent this, the passports should be handed to the Captain of the vessel when the passengers are on board, and previous to the vessel's departure. It was a profitable business for Chinamen to buy the passports here, send them to China and sell them there for as high as \$25.

The Minister of Foreign Affairs said that no such thing occurred. The greatest possible pains were taken to identify Chinamen, and passports were refused except to those who produced receipts, showing them to have paid taxes on \$1,000 worth of property. Laborers do not receive passports at all, and none are transmitted by mail. Of course it was quite possible for them to send the passports to China, but the Government intends to adopt a new regulation, and to issue the photograph of each person receiving a passport shall be attached to it. (Laughter.)

Representative Dole said that the visages of Chinese might look different to their countrymen, but to white people, even in photos they looked very much alike, and might however this was a step in the right direction.

The Minister of Interior stated that this matter had engaged the attention of the late Minister of Foreign Affairs. This land had been made such a pleasant place for the Chinese that they were eager to come here. The late Minister of Interior had Hongkong had intimated that as high as \$20 and \$30 had been offered for a passport to return here. If the immigration was in families, there would be no anxiety to keep the Chinese out. But they did not want hordes of men alone. They wanted families, to increase and bless the land. The first passport was originally \$1. It was increased to \$2, and about \$4,000 had been paid into the Treasury as a Government realization. The receipts were paid into the Treasury, and not one dollar used as a perquisite in the Foreign Office, except the slight amount of actual cost.

Representative Brown referring to the Ministers report desired to know how the difference which existed in the figures (311) could be reconciled, how could 311 of these Chinese get in without passports.

The Minister of Foreign Affairs stated that he could not answer the question just then, could not explain offhand the discrepancy existing.

Representative Castle desired to know what the Minister of Interior had meant by "the cost" of issuing the return passport.

The Minister of the Interior, said, the realization from passports was paid in the Treasury a few days after the close of the fiscal period, therefore, the amount did not appear in the report. The cost of passports was trifling, but a portion of the receipts had been applied by the Secretary to office expenses. The Secretary had done a good deal of overwork in connection with the issuing of passports, and he thought it was only right that the Secretary should be paid a small consideration. After a little more desultory debate the report was, on motion, received and laid on the table.

At 11:37, Rep. Hayselden moved the Order of the Day which, being carried, preparation was made to consider the new Tax Bill in Committee of the Whole, Rep. Kaulukou in the chair.

Before proceeding with the business set, Rep. Castle stated that he had endeavored to obtain an order from the Minister of Finance to obtain certain information from the tax books, and he was then in receipt of a note from that official, stating that his request would not be granted. He moved that the Assembly make an order that the information desired be furnished.

Representative Hayselden explained that no application had been made to him, he being assessor and having charge of the books, for information desired, if there should be he would furnish it willingly.

The Order of the Day was now brought up and

the first section of the bill as amended was read by the Secretary, as follows:

Section 1. That Section 14 of said Act be and the same is hereby amended so as to read as follows: Section 14. The term 'real estate' for the purposes of this Act shall be deemed to mean and include:

"1. The possession of, claim to, ownership of, or right to the possession of land, whether covered by water, or not so covered; provided that a claim to land shall only be assessed whenever such claim is made to land which has no taxes assessed to any person in possession.

"2. All quarries, all timber, and all rights and privileges pertaining thereto.

"3. All mortgages, deeds of trust, contracts and bonds whereby land is pledged as security for the payment and discharge of a debt or other obligation.

"4. Improvements, which shall include all buildings, structures, fixtures, fences, wharves, and all other improvements erected upon or affixed to the land."

The Attorney-General moved to strike out subdivision 3.

Representative Dole moved as a substitute for the section: "The term 'real property' for the purposes of this Act shall be deemed to mean and include all land, with all improvements affixed to thereto, and all things growing thereon."

Representative Hayselden thought that the amendment would change everything. It says "all things growing," which includes growing crops. This was a new departure, crops were now assessed as real property.

Representative Brown had thought over the bill, and was still of the opinion that the definition of real estate as in the existing law could not be improved. If he voted for this new law, he did not want to go back to his constituents and ask them to again elect him. If he did, he would not probably get "left." (Laughter.) If there were intelligent assessors, the property would be properly assessed, and one third more of taxes a year would be realized.

At 12:30 the committee rose and took recess until 12:30 o'clock.

AFTERNOON.

The committee met again at 1:35 p. m., and consideration of the Tax Bill was resumed.

Representative Aholo moved the following as a substitute for the last section, viz:

"Section 1. That section 14 of said Act be and the same is hereby amended so as to read as follows:

"Section 14. The term 'real property' for the purposes of this Act shall be deemed to mean and include all lands and town lots, with the buildings, structures, fixtures, fences, wharves, improvements and other things erected upon or affixed to the same."

Representative Castle thought the amendment of Rep. Aholo was getting back toward the simplicity of the law of 1882, and he approved of it, although yet not as satisfactory as the existing law.

Representative Dole said it was important to get a good description of real estate, because the description of personal property depended on that. If they got a proper definition of real estate, it was enough to say that all else was personal property. He was satisfied with the present law as it stood.

Hon. C. R. Bishop said it seemed to him that the old law covered the whole ground, and there had been no mistakes made under it. An intelligent assessor would look at a piece of property in the same way as it was going to be taxed, and everything on it, improvements, houses, woods, etc. After taking into account all its advantages and capabilities he would say what the land was worth. It would be good if the law as it stood was so complete that there was no real necessity for this attempt to change it and to spend all this time upon it. In getting at the property in this country for taxation purposes a great many persons were employed. He thought a board of equalization would be a good thing in other countries. What they wanted was something that would cover the whole ground, which assessors and the people would understand. Even the amendment of Rep. Aholo was not so necessary, and he thought the law as it stood was sufficient.

Representative Lilikala said the existing law was framed by a former Attorney-General (Freestone) now an Associate Justice of the Supreme Court, and it had worked well. He had heard it discussed in various ways and had heard the many amendments offered. When they sifted it all down to the bottom, the law of 1882 was the best. After a little further discussion all the amendments offered were withdrawn and Rep. Aholo's substitute put and carried.

The next section of the bill was now read, as follows:

"Section 2. That section 16 of said Act be and the same is hereby amended so as to read as follows:

"Section 16. The term 'personal property' for the purposes of this Act shall be deemed to mean and include household furniture and effects, jewelry, watches, clocks, credit, debts, dues, wages and merchandise, machinery, all ships and vessels whether at home or abroad, all moneys in hand, leasehold and chattel interest in lands and real estate, franchises, patents, contracts, growing crops, public stocks and bonds, and all domesticated and animals not hereinbefore specifically taxed."

The Attorney-General amended by adding "and all mortgages, deeds of trust, notes and bonds."

Representative Dole moved as a substitute "Section 2. That section 16 of the said Act is hereby amended to read as follows:

"Section 16. The term 'personal property' for the purposes of this Act shall be deemed to mean and include all property not covered by the description of the term 'real property' as set forth in section 14 of this Act, except of deposit issued by the Hawaiian Government, and all ships and vessels, whether at home or abroad."

Representative Hayselden considered that two items, ought to be added viz: notes and bonds. Rep. Brown had agreed with that the other day, but he did not think it was proper for the Government to lose a great deal of money by dropping the reservation from the present law. Discounters of notes and holders of notes, got profit out of them just as much as owners of real estate. A man letting a piece of land to a Chinaman for \$125 a year, and getting back the rental, while his neighbor who got as much money on a mortgage was taxed nothing. Both those kinds of property ought to be taxed.

The Attorney stated that his reasons for supporting the bill were, his belief in Rep. Hayselden's amendment, and because the bill was introduced by Opposition had made no argument against it and were only trying to bring it into ridicule. The Minister then related how he "did things in California" to escape taxation, and which "had come under his own observation."

Representative Dole said, in answer to the Attorney-General, that all he (the A. G.) had given as a reason for upholding the bill was, that Rep. Hayselden was honest. Therefore the crown adviser was not arguing on the merits of the bill but to help his friend. The speaker did not know how matters regarding taxation were carried on in California, but he could assure the Attorney-General that in the country, people did not look to California for laws, especially after they had heard from the Attorney-General to-day.

There was further discussion, pro and con, with regard to the merits of the bill generally, and of taxation in particular, lasting without intermission, on the same section, until 4:50 when the substitute offered by Rep. Dole and the amendment of the Attorney-General were put to vote and both declared lost.

Representative Kaulukou now moved that the committee rise, report progress and ask leave to sit on Thursday, the 22nd inst. Carried and action taken in accordance.

Notices of meetings of committees were given, after which, at 4:56 the Assembly adjourned until 10 a. m. on the next day.

SIXTY-SIXTH DAY.

Wednesday, July 21st.

The Assembly convened at the usual hour and, after prayer and reading of the minutes, the following business was considered.

Representative Kaulukou, under suspension of the rules, presented a petition from residents of the districts of Makawao, Maui, objecting to the change of the place for holding court, from Makawao to Paia. Tabled for consideration with the bill.

Representative Kaulukou presented a petition from police officer W. Fehlber praying that, as the sum of \$2,400 was appropriated for the pay of a foreign captain of police and as he was that person and only received in salary the sum of \$2,250, he asked that the balance of \$150 be paid to him. After considerable argument the petition was finally referred to the Judiciary Committee.

Representative Hayselden, from the Finance Committee, presented a report on items relating to the Customs guards and Board of Health, as follows:

"Your Committee of Finance to whom was re-

ferred certain items of the Appropriation Bill beg leave to report that they have had the same under consideration and recommend as follows:

That the item of \$20,000 in the Finance Department under the head of Assistant Guards at Hilo and Makawao, that the following items in the Bureau of the Board of Health be reduced as per following table:

Government Physicians from..... \$20,000 to \$12,000  
General Expenses Board of Health..... 35,000 to 25,000  
Housing and Maintenance Hospitals..... 45,000 to 40,000  
Repairs and Care of Quarantine..... 5,000 to 4,000

That the amounts set apart in the bill for the Leper Settlement \$100,000 and Kapiolani Home \$30,000 be not reduced and that the items of \$10,000 for Kalaupapa Home be stricken out.

Your committee recommend that the expenses hitherto borne by the Board of Health for cleaning the streets of Honolulu should in future be borne by the Interior Department, as more properly belonging to that Department.

Your committee further recommend that the amount of \$800 per annum hitherto paid by the Board of Health for the inspection of schools shall in future be borne by the Board of Education.

Salaries of Government physicians as recommended by the Finance Committee of the Legislative Assembly of 1886:

| HAWAII.                      | Sal. pr. an'm 1884 to 1886. | Sal. pr. an'm 1886 to 1888. |
|------------------------------|-----------------------------|-----------------------------|
| Hilo.....                    | \$1,500                     | \$800                       |
| Makawao.....                 | 1,500                       | 800                         |
| N. and S. R. R. Station..... | 1,500                       | 1,200                       |
| Kau.....                     | 1,500                       | 800                         |
| MAUI.                        |                             |                             |
| Lahaina.....                 | 1,500                       | 1,200                       |
| Waikaloa.....                | 2,000                       | 1,200                       |
| Makawao.....                 | 1,800                       | 1,600                       |
| Hana.....                    | 1,400                       | 1,200                       |
| KAUAI.                       |                             |                             |
| Lihue.....                   | 1,000                       | 800                         |
| Waimea.....                  | 1,500                       | 1,000                       |
| Kilauea.....                 | 500                         | 1,000                       |
| ORAU.                        |                             |                             |
| Honolulu.....                | 1,500                       | 1,500                       |
| Waialua and Koolauloa.....   | 1,200                       | 1,200                       |
| Waianae.....                 | 400                         | 400                         |
| Koolanapoko.....             | 1,000                       | 800                         |

Total.....\$21,300

Medicines \$100 per annum for districts 2 years.....\$4,300

Medicines for Honolulu \$1,200 per annum..... 2,400

Dispensary Druggist \$750 per annum, 2 years..... 1,400

Other medicines for sundry parties, 2 years..... 1,700

Total.....\$42,000

L. Aholo, Geo. E. Richardson, Fred. H. Hayselden, C. H. Dickey, James Keas.

After some discussion relative to the merits of the physicians at Hilo and Lahaina, the President forwarded the business of the House by declaring discussion out of order, and put a motion previously made that, the report be laid on the table for consideration with the Appropriation Bill.

Representative Kaulukou moved that the report be laid on the table to be considered with the Appropriation Bill. Remarks made by the member in connection with his motion caused a discussion to ensue which the President finally ended by saying that a motion to lay on the table could not be discussed.

Representative Aholo agreed with the President that the motion ought not to be discussed. But he considered that the President was to blame for allowing discussion to go on.

This change the President admitted.

Representative Aholo then said that as the President had allowed others to speak on this motion, he hoped he might be allowed to say a few words. With regard to a remark relative to Dr. Kuehn of Lahaina, he would say that, a short time ago a boy fell from a tree and the native pronounced him dead. Dr. Kuehn told them he was alright and would come to in a few minutes, and would not give him any medicine. This caused a great deal of indignation. The boy was carried home and was put in bed, and a kahuna sent for, but before he arrived the boy got up. After that the natives looked upon Dr. Kuehn as a very skillful doctor, and one that could cure without medicine. (Laughter.)

The motion to lay the report upon the table was then put and carried.

Representative Thurston offered a resolution that the Minister of the Interior be instructed to discontinue the sale of a lease of land, near Hakalan Plantation, district of Hilo, Hawaii, advertised to take place on Thursday at noon, in front of the Hawaiian Hotel, in support of his resolution, he said that he wanted to put a stop to the practice of letting out Government lands on long lease. The land ought to be retained for the purpose of the Homestead Act. The Government should not let up valuable suitable land from settlement under a twenty years' lease.

Representative Kanehine did not approve of the resolution, as he did not hear there were any Hawaiians who wanted to settle on this land.

Representative Castle thought that Rep. Kanehine was not in the matter. Several petitions had come in from people asking that the Government lands adjoining their lots be sold them. Then they were large numbers of Portuguese with money ready to buy land. There could be no doubt that it would be better for the country to have the public land taken up by settlers, than by those who wanted them for large cattle runs and plantations.

Representative Kaulukou moved as an amendment to the resolution, "that the said land be divided up into homesteads according to the provisions of the Homestead Act of 1884." Rep. Thurston accepted the amendment.

The Attorney-General (Dore) said that the position taken by the member from Molokai (Thurston) was one of a sound sounding principle, the settlement of the country by families. He would support it himself if there were any law on the statute books that public lands should, on the expiration of leases, revert to the Government, but owing to a breach of the conditions, the Attorney-General and the Minister of Interior had decided to re-let on the land, and so as to settle rights grown up with the lease, offered the latter for sale at public auction."

Representative Dickey desired to know if there would be a new lease.

The Attorney-General answered in the affirmative, and said that he was not a lawyer, a member of this House. Finding he had no legal ground, and the Minister of the Interior and the Attorney-General were right, he waited until the eleventh hour and then brought in this resolution to ask the House to do the work of a lawyer. The Assembly adopted the resolution, it will simply be an expression of an opinion that this land should be reserved for settlers. These gentlemen ought to have attended to this at an earlier date.

Representative Thurston said that he was surprised at the position taken by the Attorney-General, and to set matters in their proper shape he would say that, two parties desired to obtain this land, one the Hakalan Sugar Co., of which Messrs. T. H. Davies & Co. were the agents, were represented by Rep. Dole in the courts, and the other, the Hawaiian Commercial Co., or, more properly the Hawaiian Land Co., was represented by the Attorney-General. This was the true situation. (Laughter.) If the Attorney-General has got a Spreckels collar around his neck, let him come out and say so, and endeavor by subterfuge to cast ignominy on the efforts of those who were acting for the best interests of the country. The Attorney-General had suggested that a bill be brought in ordering the canceling of the lease after the proposed sale, but he should have known that no Legislative resolution could annul a contract made by the Government in this manner.

The Attorney-General, "Mr. Thurston, one moment, Mr. Thurston."

The President suggested to the Attorney-General the impropriety of addressing members by their names.

Representative Thurston said he was willing to have his name used, he was not ashamed of it. The Attorney-General said that Rep. Dole had entered the protest and that Rep. Thurston had brought in the resolution.

Representative Thurston said that the Attorney-General was undoubtedly trying hard to wriggle out of the matter but it would be hard for him to do so, the Homestead Act was as plain as the English could make. If the Assembly waited until the sale before acting on the resolution, then the land would go for twenty years more. He could not understand the rights of parties claiming an interest in the land could be protected by a sale at auction when everyone was entitled to bid. If the Assembly desired to further the interests of the people, let them vote for the people's vote without a hitch.

The Attorney-General stated that he had represented Col. Spreckels in the courts of California but this matter was an act of his predecessor (Neumann) and the